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10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE DISTRICT OF NEVADA**

12 IN RE ALLEGIANT TRAVEL CO.  
13 STOCKHOLDER DERIVATIVE  
14 LITIGATION

Master File No.: 2:18-cv-01864

**PLAINTIFFS' UNOPPOSED MOTION  
AND ~~PROPOSED~~ ORDER FOR  
VOLUNTARY DISMISSAL OF ACTION  
PURSUANT TO RULES 23.1 AND 41(a)(2)  
OF THE FEDERAL RULES OF CIVIL  
PROCEDURE**

18  
19 Plaintiffs Mark Fullenkamp and Charles Blackburn (collectively "Plaintiffs"), by and  
20 through their counsel, derivatively on behalf of nominal defendant Allegiant Travel Co. ("Allegiant"  
21 or the "Company"), respectfully move for the voluntary dismissal with prejudice of the above-  
22 caption derivative action pursuant to Rules 23.1(c) and 41(a)(2) of the Federal Rules of Civil  
23 Procedure. Additionally, shareholder notice of the voluntary dismissal pursuant to Rule 23.1 is not  
24 required as no rights of the parties or the Company are being compromised and a related derivative  
25 action remains extant.

26 In support of the motion, Plaintiffs state that: i) there has been no settlement or compromise  
27 of the action; (ii) there has been no collusion among the parties; (iii) neither Plaintiffs nor their

1 counsel have received or will receive directly or indirectly any consideration from defendants for  
2 the dismissal; and (iv) Allegiant shareholders are not precluded from pursuing claims already filed  
3 that will continue to be litigated by the parties in the action captioned *City of Warren Police & Fire*  
4 *Retirement System v. Gallagher, Jr., et al.*, Case No. A-19-804089-C pending in the Eighth Judicial  
5 District Court for the State of Nevada in and for the County of Clark. Plaintiffs also rely upon the  
6 Declaration of David J. Stone filed herewith and upon such oral argument as the Court may permit.  
7 Defendants do not oppose the filing this motion.

8 For the reasons set forth, Plaintiffs respectfully request that the Court enter an Order that  
9 directs:

- 10 1. The Action, including all derivative actions consolidated herein, shall be dismissed  
11 with prejudice pursuant to Rules 23.1 and 41(a)(2) of the Federal Rules of Civil Procedure;
- 12 2. No shareholder notice of the voluntary dismissal is required; and
- 13 3. Plaintiffs and Defendants shall bear their own fees and costs in connection with the  
14 Action.

15 Respectfully submitted this 25th day of June, 2021.

16  
17 /s/ Martin A. Muckleroy  
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*Co-Lead Counsel for Plaintiffs*

**IT IS SO ORDERED** this 28th day of June, 2021.

  
The Hon. Andrew P. Gordon  
District Court Judge